THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22114 of 2006

Date:07-06-2007

Between:

Muvvala Simhachalam

.. PETITIONER

AND

The Govt. of A.P. rep. by its Principal Secretary, (SW) Dept.Hyderabad and two others.

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RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus against the action of the respondents in entering into the land of petitioner in Sy.No.108/2 and 104/1 of Diguvasiwada village, Rowthulapudi mandal, East Godavari District as unconstitutional and consequently direct the respondents not to disturb the possession of the petitioner.

It is the case of the petitioner that she purchased land of Ac.1.01 cent in Sy.No.108/2 and 104/1 of Diguvasiwada and she is in possession of the same. It is stated that the respondents are illegally interfering with the peaceful possession and enjoyment of the said land and attempted to disturb the possession of the petitioner without giving any notice and without passing any orders.

A counter has been filed by the third respondent-Mandal Revenue Officer stating that he never interfered with the said land of the petitioner. It is stated that Grama Sabha was conducted in the said village on 01.02.2006 and a decision has been taken to issue 33 house sites for the landless poor on 01.08.2006. The third respondent issued house site pattas, which is government poramboke land available in the said village in Sy.No.104/2, which is classified as Grama Kantam. The petitioner's land is adjacent to Gram Kantam lands. It is stated that the brother of the husband of the petitioner being Ex. Sarpanch, the petitioner has encroached
Ac.0.10 cents of Grama Kantam land and enjoying the same. It is stated that the third respondent only distributed the house site pattas in Sy.No.104/2. The third respondent never attempted to enter into the land of the petitioner and never caused any loss to the petitioner.

Having regard to the facts of the case, the writ petition is

disposed of observing that the respondents are not at all interfering with the land of the petitioner in Sy.No.108/2 and 104/1 of Diguvasiwada village, Rowthulapudi mandal, East Godavari District. However, the respondents are at liberty to evict the petitioner from the land in an extent of Ac.0.10 cents of the encroached land by issuing appropriate notice with regard to the encroached 10 cents of land by following due procedure of law. No costs.

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V.ESWARAIAH, J.

Date:07.06.2007
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